

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF NEW YORK

**Sheila A. Boisvert, Individually and as Administratrix
of the Estate of Harvey P. Boisvert, deceased,**

Plaintiff,
-v- **1:04-CV-502 (NAM)**

**Samuel S. Stratton Veterans Administration Medical
Center,**

Defendant.

Z APPEARANCES:

The LaFave Law Firm
Cynthia S. LaFave, Esq., of Counsel
Lawrence J. Zyra, Esq., of Counsel
822 Delaware Avenue
Delmar, New York 12054
Attorneys for Plaintiff

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Office of the United States Attorney
Diane Cagino, Esq., Assistant United States Attorney
James T. Foley U.S. Courthouse
445 Broadway
Albany, New York 12207
Attorneys for Defendant

Hon. Norman A. Mordue, D.J.:

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MEMORANDUM-DECISION AND ORDER

In this action pursuant to the Federal Tort Claims Act, 28 U.S.C. § 2671, *et seq.*, defendant moves to substitute the United States as the defendant and for summary judgment. By letter (Dkt. No. 15), plaintiff's counsel advises that plaintiff has no opposition to the motion. Upon review of the file, the Court concludes that the relief requested by defendant is warranted.

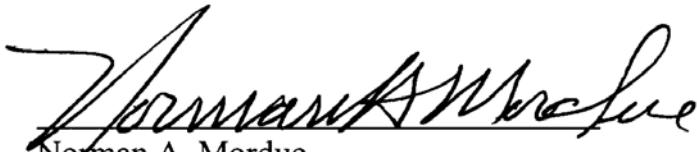
It is therefore

ORDERED that defendant's motion (Dkt. No. 14) is granted, the United States is

substituted as the defendant, and the action is dismissed.

IT IS SO ORDERED.

March 10, 2006
Syracuse, New York


Norman A. Mordue
U.S. District Judge

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